

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
)
 UNITED CONTINENTAL)
 HOLDINGS, INC.,)
)
 and)
)
 DELTA AIR LINES, INC.,)
)
 Defendants.)

Case No: 2:15-cv-07992-WHW-CLW

UNITED STATES OF AMERICA’S NOTICE OF AGENCY ACTION

On April 1, 2016, the Federal Aviation Administration (“FAA”) issued the attached Notice [4910-13] (“Notice”). Attached at Exhibit 1.¹ The Notice announces that, as part of its regular review of operational performance and demand at the New York City area airports, the FAA has determined that slot controls are no longer warranted at Newark Liberty International Airport (“Newark”). Notice at 2. The FAA therefore will change Newark’s designation from a Level 3 slot-controlled airport to a Level 2 schedule-facilitated airport. This change will become effective on October 30, 2016, for the Winter 2016

¹ The Notice is also available from the Federal Register’s website at <https://www.federalregister.gov/articles/2016/04/06/2016-07910/change-of-newark-liberty-international-airport-ewr-designation>.

scheduling season and thereafter.

The United States has contacted counsel for Defendants United Continental Holdings, Inc., and Delta Air Lines, Inc., concerning the Notice, but the parties have not yet had the opportunity to confer regarding the effect of the Notice on this litigation. The parties have agreed to confer in the coming days and to provide the Court with their views by or before the close of business on Friday, April 8, 2016, in advance of the motion to dismiss hearing scheduled for Tuesday, April 12, 2016.

Respectfully submitted,

/s/ Eric Mahr

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CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2016, I caused a true and correct copy of the foregoing document to be filed and served upon all counsel of record via the Court's CM/ECF system.

/s/ Katrina Rouse
Katrina Rouse
Attorney for Plaintiff
United States of America